

I certify this to be a true and correct
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Chief Clerk of the House

FILED MAR 14 2003

By:  _____

H.B. No. 3174

A BILL TO BE ENTITLED

AN ACT

relating to the requirement to submit a health certificate to
obtain a license to practice cosmetology.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 1602.253 and 1602.353, Occupations
Code, are repealed.

SECTION 2. This Act takes effect September 1, 2003.

HOUSE COMMITTEE REPORT

1st Printing

03 APR 29 PM 5: 14
HOUSE OF REPRESENTATIVES

By: Pitts

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SECTION 2. This Act takes effect September 1, 2003.

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

4-25-2003
(date)

Sir:

We, your COMMITTEE ON PUBLIC HEALTH

to whom was referred HB 3174 have had the same under consideration and beg to report back with the recommendation that it

- (☒) do pass, without amendment.
 () do pass, with amendment(s).
 () do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
 (☒) yes () no A fiscal note was requested.
 () yes (☒) no A criminal justice policy impact statement was requested.
 () yes (☒) no An equalized educational funding impact statement was requested.
 () yes (☒) no An actuarial analysis was requested.
 () yes (☒) no A water development policy impact statement was requested.
 () yes (☒) no A tax equity note was requested.
 (☒) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

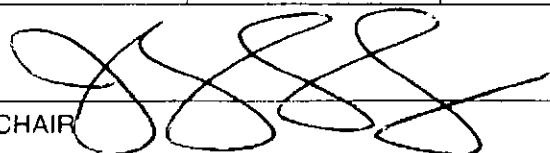
The measure was reported from Committee by the following vote:

| | AYE | NAY | PNV | ABSENT |
|------------------------|-------------------------------------|-----|-----|-------------------------------------|
| Capelo, Chair | <input checked="" type="checkbox"/> | | | |
| Laubenberg, Vice-chair | <input checked="" type="checkbox"/> | | | |
| Coleman | | | | <input checked="" type="checkbox"/> |
| Dawson | <input checked="" type="checkbox"/> | | | |
| McReynolds | <input checked="" type="checkbox"/> | | | |
| Naishtat | <input checked="" type="checkbox"/> | | | |
| Taylor | <input checked="" type="checkbox"/> | | | |
| Truitt | <input checked="" type="checkbox"/> | | | |
| Zedler | <input checked="" type="checkbox"/> | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Total

00 aye
00 nay
00 present, not voting
1 absent

CHAIR



BILL ANALYSIS

H.B. 3174
By: Pitts
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The current statute governing the cosmetology industry requires an applicant for a cosmetology license to submit, as part of their licensure application, a health certificate signed by medical staff indicating that the applicant is free of tuberculosis or contagious diseases. This health certificate requirement applies to both new and renewal license applications. The bill would repeal this requirement for both new and renewal licenses. The purpose of the bill is to remove a requirement that serves a minimal health-related purpose and prevents the agency from using Texas on-line productively for license renewals.

With respect to its health-related function, the Disease Control and Prevention Bureau of the Texas Department of Health has indicated that the health certificate requirement is sufficiently antiquated as to be removable without jeopardizing the public health. In the first place, no doctor can credibly sign the health certificate since that would require testing the applicant for all known infectious diseases--a formidable and expensive undertaking that is not attempted by doctors currently. Second, most chronic infectious diseases are not transferred by the respiratory route, which is the only avenue available to transmit a disease to a person who is merely having a haircut. Third, most infectious diseases are of the minor and temporary sort (e.g., cold, flu) and cannot be protected against through requiring cosmetologists to submit to a health examination every two years. Finally, with respect to untreated pulmonary tuberculosis, the Texas Department of Health notes that the prevalence of such conditions in the beauty industry is expected to be quite low and does not warrant some type of occupation-specific screening. No other licensee population is subject to such health certificate requirements.

While serving little health-related function, the health certificate requirement serves as a burdensome documentation requirement that prevents licensees from making productive use of TexasOnline to renew their license. The Texas Cosmetology Commission currently processes over 90,000 new and renewal applications annually. The Legislature presumably created TexasOnline with the intent of automating the licensing process as much as possible and enabling licensees to receive their license as soon as possible. However, even if a cosmetology licensee submits a renewal form on-line, they must still mail in a health certificate before they can obtain their license, resulting in much confusion and unneeded time spent by our licensing staff to manually process additional documentation and correspond with licensees who have failed to deliver their certificate. Texas On-line was created to alleviate this burden. However, the health certificate requirement prevents the agency and the industry from benefiting from these technological advances. Since Texas On-line has been operating, less than 700 cosmetology licensees out of 50,000 licensees who have renewed their license during that time have renewed on-line.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Repeals Section 1601.253, Occupations Code, which currently requires an applicant for a new cosmetology license to submit a certificate of health that shows the applicant to be free from tuberculosis or any contagious disease. Repeals Section 1602.353, Occupations Code, which contains the health certificate requirement for renewal applicants.

EFFECTIVE DATE

September 1, 2003

SUMMARY OF COMMITTEE ACTION

HB 3174

April 24, 2003 12:00PM or upon final adjourn./recess

Considered in public hearing

Testimony taken in committee (See attached witness list.)

Left pending in committee

April 25, 2003 upon final adjourn./recess

Considered in formal meeting

Recommended to be sent to Local & Consent

Reported favorably without amendment(s)

2

WITNESS LIST

HB 3174
HOUSE COMMITTEE REPORT
Public Health Committee

April 24, 2003 - 12:00PM or upon final adjourn./recess
On: Blass, Casey (Texas Department of Health)

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 23, 2003

TO: Honorable Jaime Capelo, Chair, House Committee on Public Health

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HB3174** by Pitts (Relating to the requirement to submit a health certificate to obtain a license to practice cosmetology.), **As Introduced**

| |
|---|
| No fiscal implication to the State is anticipated. |
|---|

Based on the analysis of the Cosmetology Commission, implementation of the provisions of the bill would have no fiscal impact to the state.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 505 Cosmetology Commission

LBB Staff: JK, EB, RT, JC

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HOUSE ENGROSSMENT

By: Pitts

H.B. No. 3174

A BILL TO BE ENTITLED

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6 Code, are repealed.

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

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No fiscal implication to units of local government is anticipated.

Source Agencies: 505 Cosmetology Commission

LBB Staff: JK, EB, RT, JC

1-1 By: Pitts (Senate Sponsor - Averitt) H.B. No. 3174
1-2 (In the Senate - Received from the House May 7, 2003;
1-3 May 9, 2003, read first time and referred to Committee on Health
1-4 and Human Services; May 23, 2003, reported favorably by the
1-5 following vote: Yeas 7, Nays 0; May 23, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the requirement to submit a health certificate to
1-9 obtain a license to practice cosmetology.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Sections 1602.253 and 1602.353, Occupations
1-12 Code, are repealed.

1-13 SECTION 2. This Act takes effect September 1, 2003.

1-14 * * * * *

FAVORABLE
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 3174

By Averitt
(Author/Senate Sponsor)

May 23, 2003
(date)

Sir:

We, your Committee on HEALTH AND HUMAN SERVICES, to which was referred the attached measure, have on May 22, 2003, had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

| | YEA | NAY | ABSENT | PNV |
|---------------------------|-------------------------------------|-----|-------------------------------------|-----|
| Senator Nelson, Chair | <input checked="" type="checkbox"/> | | | |
| Senator Janek, Vice-Chair | <input checked="" type="checkbox"/> | | | |
| Senator Carona | | | <input checked="" type="checkbox"/> | |
| Senator Deuell | <input checked="" type="checkbox"/> | | | |
| Senator Gallegos | <input checked="" type="checkbox"/> | | | |
| Senator Lindsay | <input checked="" type="checkbox"/> | | | |
| Senator Ratliff | | | <input checked="" type="checkbox"/> | |
| Senator West | <input checked="" type="checkbox"/> | | | |
| Senator Zaffirini | <input checked="" type="checkbox"/> | | | |
| TOTAL VOTES | 7 | 0 | 2 | 0 |

COMMITTEE ACTION

☒ S260 Considered in public hearing
☐ S270 Testimony taken

Gary Benson
COMMITTEE CLERK

Jane Nelson
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
Retain one copy of this form for Committee files

BILL ANALYSIS

Senate Research Center
78R9183 T

H.B. 3174
By: Pitts (Averitt)
Health & Human Services
5/21/2003
Engrossed

DIGEST AND PURPOSE

The current statutes governing the cosmetology industry require an applicant for a cosmetology license to submit, as part of the licence application, a health certificate signed by medical staff indicating that the applicant is free of tuberculosis or contagious diseases. This health certificate requirement applies to both new and renewal license applications. H.B. 3174 repeals this requirement for new and renewal licenses.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Repealers: Sections 1602.253 (Certificate of Health Required for Certain Applicants) and 1602.353 (Certificate of Health Required for Certain Renewals), Occupations Code.

SECTION 2. Effective date: September 1 2003.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 21, 2003

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3174 by Pitts (Relating to the requirement to submit a health certificate to obtain a license to practice cosmetology.), **As Engrossed**

| |
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| No fiscal implication to the State is anticipated. |
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Based on the analysis of the Cosmetology Commission, implementation of the provisions of the bill would have no fiscal impact to the state.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 505 Cosmetology Commission

LBB Staff: JK, EB, RT, JC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 23, 2003

TO: Honorable Jaime Capelo, Chair, House Committee on Public Health

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HB3174** by Pitts (Relating to the requirement to submit a health certificate to obtain a license to practice cosmetology.), **As Introduced**

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Based on the analysis of the Cosmetology Commission, implementation of the provisions of the bill would have no fiscal impact to the state.

Local Government Impact

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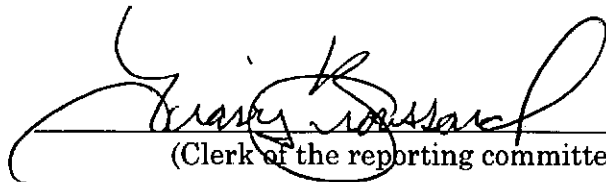
Source Agencies: 505 Cosmetology Commission

LBB Staff: JK, EB, RT, JC

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HB 3174, by Averett,
(Bill No.) (Author/Sponsor)
was heard by the Committee on Health & Human Services on May 22, 2003,
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.


(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.

f
ENROLLED

H.B. No. 3174

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H.B. No. 3174

President of the Senate

Speaker of the House

I certify that H.B. No. 3174 was passed by the House on May 6, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 3174 was passed by the Senate on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 3174₍₁₎ was passed by the House
on May 6₍₂₎, 2003, by a non-record vote. ✓

Chief Clerk of the House

I certify that H.B. No. 3174 was passed by the Senate
on May 28₍₃₎, 2003, by the following vote:
Yeas 31₍₄₎, Nays 0₍₅₎.

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT26;

A BILL TO BE ENTITLED
AN ACTBy 

relating to the requirement to submit a health certificate to obtain a license to practice cosmetology.

MAR 14 2003

Filed with the Chief Clerk

MAR 31 2003Read first time and referred to Committee on Public Health**APR 25 2003**Reported favorably ~~(unfavorably)~~
~~(unfavorably)~~**APR 30 2003**Sent to Committee on ~~(Subcommittee)~~
(Local & Consent Calendars)**MAY 06 2003**Read second time ~~(amended)~~ ~~(amended)~~; passed to third reading ~~(failed)~~ by a (non-record vote)
~~(record vote of _____ yeas, _____ nays, _____ present, not voting)~~Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not voting**MAY 06 2003**Read third time ~~(amended)~~; finally passed ~~(failed)~~ by a (non-record vote)
~~(record vote of _____ yeas, _____ nays, _____ present, not voting)~~**MAY 07 2003**

Engrossed

MAY 07 2003

Sent to Senate



CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

MAY 07 2003

Received from the House

MAY 09 2003Read and referred to Committee on HEALTH & HUMAN SERVICES**MAY 23 2003**

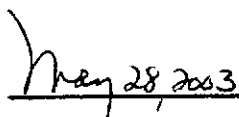
Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

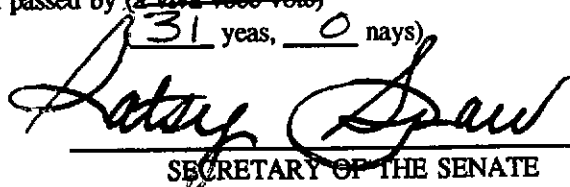
Ordered not printed

MAY 28 2003

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_____ yeas, _____ nays)**MAY 28 2003**Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ yeas, _____ nays)**MAY 28 2003**Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 nays**MAY 28 2003**Read third time, _____, and passed by (a viva voce vote)
31 yeas, 0 nays

Returned to the House



SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 28 2003

Returned from the Senate ()
()

House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: _____, Chair; _____,

_____, _____, _____

Senate granted House request. Senate conferees appointed: _____, Chair;

_____, _____, _____

Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

03 APR 29 PM 5:14

HOUSE OF REPRESENTATIVES